

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

v.

WAYNE KEEN, III,

Defendant.

No. 4:21-CR-00052

(Chief Judge Brann)

ORDER

FEBRUARY 24, 2023

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendant Wayne Keen's motion to bifurcate (Doc. 71) is **GRANTED**. Keen shall be tried on Counts I through III of the Superseding Indictment first, followed by a trial on Count IV.
2. The Government's motion *in limine* to admit evidence under Federal Rule of Evidence 414 (Doc. 65) is **GRANTED IN PART** as to Special Agent Daniel M. Hasenauer's testimony on Keen's prior acts. But the Government may not enter into evidence or refer to Keen's 2017 *nolo contendere* plea to possession of child pornography and the criminal complaint against him.
3. The Government's motion *in limine* to admit evidence under Rule 404(b) (Doc. 73) is **GRANTED IN PART**. The Government may

introduce evidence of Keen's prior use of the laptop computer found at his mother's house in August 2020, including his use of the computer to send and receive image files. But the Government may not move into evidence or refer to the substance of the Skype conversation he had in July 2016.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge